

|  |  |   |                           |
|--|--|---|---------------------------|
| <b>FORM B1</b>   |  | <b>United States Bankruptcy Court</b>   | <b>Voluntary Petition</b> |
| <b>WESTERN DISTRICT OF NEW YORK</b>  |  |   |                           |
| Name of Debtor (if individual, enter Last, First, Middle):<br><b>SMITH                  STEPHEN                  PETER</b> |  | Name of Joint Debtor (Spouse) (Last, First, Middle):  |                           |
| All Other Names used by the Debtor in the last 6 years<br>(include married, maiden, and trade names):<br><b>NONE</b>       |  | All Other Names used by the Joint Debtor in the last 6 years<br>(include married, maiden, and trade names): |                           |
| Last four digits of Soc. Sec./Tax I.D. No. (if more than one, state all):<br><b>5363</b>                                   |  | Last four digits of Soc. Sec./Tax I.D. No. (if more than one, state all):                                   |                           |
| Street Address of Debtor (No. & Street, City, State & Zip Code):<br><b>3478 Stone Quarry Road<br/>Fredonia, NY 14063</b>   |  | Street Address of Joint Debtor (No. & Street, City, State & Zip Code):                                      |                           |
| County of Residence or of the<br>Principal Place of Business: <b>CHAUTAUQUA</b>  |  | County of Residence or of the<br>Principal Place of Business:   |                           |
| Mailing Address of Debtor (if different from street address):  |  | Mailing Address of Debtor (if different from street address):   |                           |
| Location of Principal Assets of Business Debtor<br>(if different from street address above):                               |  |   |                           |

**Information Regarding the Debtor (Check Applicable Boxes)**

|   |                                     |   |                                     |                             |                              |                               |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
|---|-------------------------------------|---|-------------------------------------|-----------------------------|------------------------------|-------------------------------|-----------------------------|------------------------------|-------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>Venue</b> (Check any applicable box)<br><input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.<br><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner or partnership pending in this District.  |                                     | <b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)<br><input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13<br><input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12<br><input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding           |                                     |                             |                              |                               |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Type of Debtor</b> (Check all boxes that apply)<br><input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad<br><input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank   |                                     | <b>Filing Fee</b> (Check one box)<br><input checked="" type="checkbox"/> Full Filing Fee attached<br><input type="checkbox"/> Filing fee to be paid in installments (Applicable to individuals only)<br>Must attach signed application for the court's consideration certifying that the debtor is unable to pay the fee except in installments. Rule 1006(b). See Official Form No. 3. |                                     |                             |                              |                               |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Nature of Debts</b> (Check one box)<br><input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business   |                                     |   |                                     |                             |                              |                               |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Chapter 11 Small Business</b> (Check all boxes that apply)<br><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101<br><input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)  |                                     |   |                                     |                             |                              |                               |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Statistical/Administrative Information</b> (Estimates only)<br><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to creditors. <b>and priority creditors</b>   |                                     |   | This Space For Court Use Only       |                             |                              |                               |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Estimated Number of Creditors</b><br><table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">1-15</td> <td style="text-align: center;">16-49</td> <td style="text-align: center;">50-99</td> <td style="text-align: center;">100-199</td> <td style="text-align: center;">200-999</td> <td style="text-align: center;">1000-over</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>  |                                     |   |                                     | 1-15                        | 16-49                        | 50-99                         | 100-199                     | 200-999                      | 1000-over                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |                          |                          |                          |
| 1-15  | 16-49                               | 50-99   |                                     | 100-199                     | 200-999                      | 1000-over                     |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |                                     | <input type="checkbox"/>    | <input type="checkbox"/>     | <input type="checkbox"/>      |                             |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Estimated Assets</b><br><table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More Than \$100 Million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> |                                     |   | \$0 to \$50,000                     | \$50,001 to \$100,000       | \$100,001 to \$500,000       | \$500,001 to \$1 million      | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | More Than \$100 Million  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| \$0 to \$50,000   | \$50,001 to \$100,000               | \$100,001 to \$500,000  | \$500,001 to \$1 million            | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | More Than \$100 Million     |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>     | <input type="checkbox"/>      | <input type="checkbox"/>    |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <b>Estimated Debts</b><br><table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More Than \$100 Million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>  |                                     |   | \$0 to \$50,000                     | \$50,001 to \$100,000       | \$100,001 to \$500,000       | \$500,001 to \$1 million      | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | More Than \$100 Million  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| \$0 to \$50,000   | \$50,001 to \$100,000               | \$100,001 to \$500,000  | \$500,001 to \$1 million            | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | More Than \$100 Million     |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/>   | <input type="checkbox"/>            | <input type="checkbox"/>    | <input type="checkbox"/>     | <input type="checkbox"/>      | <input type="checkbox"/>    |                              |                               |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

STEPHEN P. SMITH

**Prior Bankruptcy Case Filed Within Last 6 Years** (If more than one, attach additional sheet)

Location

Where Filed: NONE

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor** (If more than one, attach additional sheet)

Name of Debtor:

Case Number:

Date Filed:

District:

Relationship:

Judge:


**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

  
Signature of Debtor

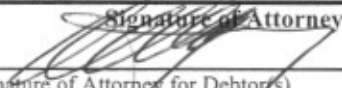
X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date September 28 2005

X

  
Signature of Attorney for Debtor(s)Albert W. Foley 1286657  
Printed Name of Attorney for Debtor(s) Bar ID Number  
Foley, Foley & Passafaro

Firm Name

93 E. Fourth ST., PO Box 50

Address Dunkirk, NY 14048

(716) 366-3677

Telephone Number

September 28 2005

Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X

Signature of Attorney for Debtor(s)

9/28/2005

Date

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.☒ No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

# United States Bankruptcy Court

## Western District of New York

|   |  |
|---|--|
| In re<br><div style="text-align: center; font-weight: bold; margin-top: 10px;">STEPHEN PETER SMITH</div> <div style="text-align: right; font-size: small; margin-top: 5px;">Debtor.</div> | Case Number:<br><br><div style="text-align: right; font-size: small; margin-top: 10px;">(If Known)</div> |
|---|--|

### SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

|   |  |                      |                  | AMOUNTS SCHEDULED |               |              |
|---|--|----------------------|------------------|-------------------|---------------|--------------|
|   | NAME OF SCHEDULE                               | ATTACHED<br>(YES/NO) | NO. OF<br>SHEETS | ASSETS            | LIABILITIES   | OTHER        |
| A-                                      | Real Property                                  | Y                    | 1                | \$ 368,000.00     |               |              |
| B-                                      | Personal Property                              | Y                    | 3                | \$ 172,227.76     |               |              |
| C-                                      | Property Claimed as Exempt                     | Y                    | 1                |                   |               |              |
| D-                                      | Creditors Holding Secured Claims               | Y                    | 1                |                   | \$ 380,280.66 |              |
| E-                                      | Creditors Holding Unsecured Priority Claims    | Y                    | 2                |                   | \$ 37,487.00  |              |
| F-                                      | Creditors Holding Unsecured Nonpriority Claims | Y                    | 4                |                   | \$ 66,228.54  |              |
| G-                                      | Executory Contracts and Unexpired Leases       | Y                    | 1                |                   |               |              |
| H-                                      | Codebtors                                      | Y                    | 1                |                   |               |              |
| I-                                      | Current Income of Individual Debtor(s)         | Y                    | 1                |                   |               | \$ 8,871.00  |
| J-                                      | Current Expenditures of Individual Debtor(s)   | Y                    | 1                |                   |               | \$ 12,084.00 |
| Total Number of Sheets of ALL Schedules |  |                      | 16               |                   |               |              |
| Total Assets                            |  |                      |                  | \$ 540,227.76     |               |              |
| Total Liabilities                       |  |                      |                  |                   | \$ 483,996.20 |              |

## SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

| DESCRIPTION AND<br>LOCATION OF<br>PROPERTY                      | NATURE OF<br>DEBTOR'S INTEREST<br>IN PROPERTY | HUSBAND,<br>WIFE, JOINT<br>OR<br>COMMUNITY | CURRENT MARKET<br>VALUE OF DEBTOR'S<br>INTEREST IN PROPERTY<br>WITHOUT DEDUCTING<br>ANY SECURED CLAIM<br>OR EXEMPTION | AMOUNT OF<br>SECURED CLAIM |
|---|---|--|---|----------------------------|
| Dwelling and lot<br>3478 Stone Quarry Rd.<br>Fredonia, NY 14063 | FEE OWNER                                     | JOINT                                      | 330,000.00  | 327,000.00                 |
| Dayton Hotel<br>Railroad Street<br>Dayton, NY 14041             | FEE OWNER                                     | SOLE                                       | 38,000.00   | - 0 -                      |

368,000.00  
\$ \$0.00

|                                     |                                |
|-------------------------------------|--------------------------------|
| In re<br><b>STEPHEN PETER SMITH</b> | Case Number:<br><br>(If Known) |
| Debtor.                             |                                |

## SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

| TYPE OF PROPERTY   | NONE                                | DESCRIPTION AND LOCATION OF PROPERTY  | HUSBAND, WIFE, JOINT OR COMMUNITY | CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION |
|--|-------------------------------------|---|-----------------------------------|---|
| 1. Cash on hand.   | <input type="checkbox"/>            |   |                                   | 100.00  |
| 2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives. | <input type="checkbox"/>            | Lake Shore Savings & Loan<br>Checking Acct. 1084<br>M & T Bank -- Checking Acct. 6477   | Sole<br><br>Sole                  | 20.46<br><br>22.54  |
| 3. Security deposits with public utilities, telephone companies, landlords, and others.  | <input checked="" type="checkbox"/> |   |                                   |   |
| 4. Household goods and furnishings, including audio, video, and computer equipment.  | <input type="checkbox"/>            | Household furnishings,<br>computer, TV, DVD<br>Piano  | Sole<br>Sole                      | 10,000.00<br>200.00   |
| 5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.  | <input checked="" type="checkbox"/> |   |                                   |   |
| 6. Wearing apparel.  | <input type="checkbox"/>            | Clothing  | Sole                              | 500.00  |
| 7. Furs and jewelry.   | <input checked="" type="checkbox"/> |   |                                   |   |
| 8. Firearms and sports, photographic, and other hobby equipment.   | <input type="checkbox"/>            | 12 gauge shot gun<br>20 gauge shot gun (son)<br>22 caliber rifle (son)<br>Bow Flex machine<br>North American Ins. Co.<br>TERM (no cash value) |                                   | 150.00<br>250.00<br>150.00<br>1,500.00<br>-0-   |
| 9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.   | <input type="checkbox"/>            |   | Sole                              |   |
| 10. Annuities. Itemize and name each issuer.   | <input checked="" type="checkbox"/> | Northwest Mutual Ins. Co.<br>Whole Life - Son - Beneficiary<br>Loan Balance -- \$34,365.14  | Sole                              | 21,602 cash value   |



|       |                     |              |            |
|-------|---------------------|--------------|------------|
| In re | STEPHEN PETER SMITH | Case Number: | (If Known) |
|       | Debtor.             |              |            |

## SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

|     | TYPE OF PROPERTY   | NONE                                | DESCRIPTION AND<br>LOCATION OF PROPERTY                  | HUSBAND,<br>WIFE, JOINT<br>OR<br>COMMUNITY | CURRENT MARKET<br>VALUE OF<br>DEBTOR'S<br>INTEREST IN<br>PROPERTY,<br>WITHOUT<br>DEDUCTING ANY<br>SECURED CLAIM<br>OR EXEMPTION |
|-----|--|-------------------------------------|--|--|---|
| 11. | Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.   | <input type="checkbox"/>            | IRA -- Edward Jones 57-1-4<br>IRA -- Edward Jones 93-1-9 | Sole<br>Sole                               | 72,752.97<br>3,214.79   |
| 12. | Stock and interests in incorporated and unincorporated businesses. Itemize.  | <input type="checkbox"/>            | 5.4 shares common stock<br>Starbucks Corp.               | Sole                                       | 265.00  |
| 13. | Interests in partnerships or joint ventures. Itemize.  | <input checked="" type="checkbox"/> |  |  |   |
| 14. | Government and corporate bonds and other negotiable and non-negotiable instruments.  | <input checked="" type="checkbox"/> |  |  |   |
| 15. | Accounts receivable.   | <input type="checkbox"/>            | Patients and third party<br>provided                     | Sole                                       | 41,000.00   |
| 16. | Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.   | <input checked="" type="checkbox"/> |  |  |   |
| 17. | Other liquidated debts owing debtor including tax refunds. Give particulars.   | <input checked="" type="checkbox"/> |  |  |   |
| 18. | Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property. (Form 6A.) | <input checked="" type="checkbox"/> |  |  |   |
| 19. | Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.   | <input checked="" type="checkbox"/> |  |  |   |
| 20. | Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.     | <input checked="" type="checkbox"/> |  |  |   |
| 21. | Patents, copyrights, and other intellectual property. Give particulars.  | <input checked="" type="checkbox"/> |  |  |   |
| 22. | Licenses, franchises, and other general intangibles. Give particulars.   | <input checked="" type="checkbox"/> |  |  |   |

|                                  |              |
|----------------------------------|--------------|
| In re <b>STEPHEN PETER SMITH</b> | Case Number: |
| Debtor.                          | (If Known)   |

## SCHEDULE B - PERSONAL PROPERTY

(Continuation Sheet)

|                                       | TYPE OF PROPERTY   | NONE                                | DESCRIPTION AND<br>LOCATION OF PROPERTY     | HUSBAND,<br>WIFE, JOINT<br>OR<br>COMMUNITY | CURRENT MARKET<br>VALUE OF<br>DEBTOR'S<br>INTEREST IN<br>PROPERTY,<br>WITHOUT<br>DEDUCTING ANY<br>SECURED CLAIM<br>OR EXEMPTION |
|---------------------------------------|--|-------------------------------------|---|--|---|
| 23.                                   | Automobiles, trucks, trailers, and other vehicles and accessories. | <input type="checkbox"/>            | 2003 Chevrolet IMPALA auto<br>58,000 miles  | Joint                                      | 4,000.00  |
| 24.                                   | Boats, motors, and accessories.                                    | <input checked="" type="checkbox"/> | 2001 Chrysler CONCORDE auto                 | Joint                                      | 13,000.00   |
| 25.                                   | Aircraft and accessories.  | <input checked="" type="checkbox"/> |   |  |   |
| 26.                                   | Office equipment, furnishings, and supplies.                       | <input checked="" type="checkbox"/> |   |  |   |
| 27.                                   | Machinery, fixtures, equipment and supplies used in business.      | <input type="checkbox"/>            | Purchased used 11 years ago<br>for \$24,000 | Sole                                       | 2,500.00  |
| 28.                                   | Inventory.   | <input checked="" type="checkbox"/> |   |  |   |
| 29.                                   | Animals.   | <input type="checkbox"/>            | Dog   | Sole                                       | - 0 -   |
| 30.                                   | Crops - growing or harvested. Give particulars.                    | <input checked="" type="checkbox"/> |   |  |   |
| 31.                                   | Farming equipment and implements.                                  | <input checked="" type="checkbox"/> |   |  |   |
| 32.                                   | Farm supplies, chemicals, and feed.                                | <input checked="" type="checkbox"/> |   |  |   |
| 33.                                   | Other personal property of any kind not already listed. Itemize.   | <input type="checkbox"/>            | 2 snow blowers                              | Sole                                       | 1,000.00  |
| <u>2</u> continuation sheets attached |  |                                     |   |  | \$ 172,227.76   |

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules)

|                                     |                                |
|-------------------------------------|--------------------------------|
| In re<br><b>STEPHEN PETER SMITH</b> | Case Number:<br><br>(If Known) |
| Debtor.                             |                                |

## SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under

(Check one box)

☐ 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). Note: These exemptions are available only in certain states.

☒ 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

| DESCRIPTION OF PROPERTY                                    | SPECIFY LAW PROVIDING EACH EXEMPTION | VALUE OF CLAIMED EXEMPTION | CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS |
|--|--------------------------------------|----------------------------|--|
| LSS&L CHECKING ACCOUNT 1084                                | Debtor & Creditor<br>§ 283           | 22.54                      | 22.54  |
| M & T CHECKING ACCOUNT 6477                                | Debtor & Creditor<br>§ 283           | 20.46                      | 20.46  |
| HOUSEHOLD FURNISHINGS,<br>COMPUTER, TV, DVD                | CPLR §5205(a)(1)                     | 10,000.00                  | 10,000.00  |
| PIANO  | CPLR §5205(a)(1)                     | 200.00                     | 200.00   |
| CLOTHING   | CPLR §5205(a)(1)                     | 500.00                     | 500.00   |
| NORTH AMERICAN INSURANCE CO.<br>TERM LIFE -- NO CASH VALUE | Insurance Law<br>§ 3212              | - 0 -                      | - 0 -  |
| NORTHWEST MUTUAL INS. CO.                                  | Ins. Law §3212                       | 21,602.66                  | 21,602.66  |
| IRA - EDWARD JONES 57-1-4                                  | Debtor & Creditor<br>§ 282 (2)(e)    | 72,752.97                  | 72,752.97  |
| IRA - EDWARD JONES 93-1-9                                  | " (2)(e)                             | 3,214.79                   | 3,214.79   |
| 2003 CHEVROLET IMPALA AUTO                                 | Debtor & Creditor<br>§ 282           | 2,400.00                   | 4,000.00   |
| FIXTURES, EQUIPMENT, SUPPLIES<br>USED IN BUSINESS          | CPLR §5205(a)(7)                     | 600.00                     | 2,400.00   |
| DOG  | CPLR § 5205(a)(4)                    | 450.00                     | -- 0 --  |



|  |  |
|--|--|
| In re<br><div style="text-align: center; padding: 5px;"><b>STEPHEN PETER SMITH</b></div> <div style="text-align: right; padding-top: 5px;">Debtor.</div> | Case Number:<br><br><div style="text-align: right; padding-top: 5px;">(If Known)</div> |
|--|--|

## SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interest such as judgment liens, garnishments, statutory liens, mortgages, deed of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE  | CODEBTOR<br>HUSBAND, WIFE, JOINT<br>OR COMMUNITY | DATE CLAIM WAS INCURRED,<br>NATURE OF LIEN, AND<br>DESCRIPTION AND MARKET<br>VALUE OF PROPERTY<br>SUBJECT TO LIEN | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF<br>CLAIM<br>WITHOUT<br>DEDUCTING<br>VALUE OF<br>COLLATERAL | UNSECURED<br>PORTION,<br>IF ANY |
|---|--|---|------------|--------------|----------|--|---------------------------------|
| LAST 4 DIGITS OF ACCT. NO. 5082<br>Chrysler Financial Corp<br>PO Box 1728<br>Newark, NJ 07101-1728                    | J  | 2001 -- security on<br>Chrysler Concorde<br>auto<br><br>Value \$ 13,000.00  |            |              |          | 2,256.55   | 10,743.45                       |
| LAST 4 DIGITS OF ACCT. NO. 3326<br>M & T Mortgage Corp.<br>PO Box 62182<br>Baltimore, MD 21264-2182                   | J  | Mortgage--3478<br>Stone Quarry Rd.<br>Fredonia, NY 14063<br><br>Value \$ 330,000.00                               |            |              |          | 283,420.00<br>plus interest  | 33,000.00                       |
| LAST 4 DIGITS OF ACCT. NO. 1295<br>Lake Shore Savings &<br>Loan Association<br>128 E. 4th Street<br>Dunkirk, NY 14048 | W  | Commercial Loan<br>12/21/04--see attached<br>sheet for secured property<br><br>Value \$ 43,500.00                 |            |              |          | 43,519.70  |                                 |
| LAST 4 DIGITS OF ACCT. NO. 3417<br>M & T Mortgage Corp.<br>PO Box 62182<br>Baltimore, MD 21264-2182                   | J  | Second Mortgage<br>3478 Stone Quarry Rd.<br>Fredonia, NY 14063<br><br>Value \$ 330,000.00                         |            |              |          | 51,084.41  | 278,915.59                      |

Subtotal \$380,280.66

\_\_\_\_ Continuation sheets attached

(Total of this page)  
Total  
(Use only last page)

\$380,280.66

(Report total also on Summary of Schedules)

|                                     |                                |
|-------------------------------------|--------------------------------|
| In re<br><b>STEPHEN PETER SMITH</b> | Case Number:<br><br>(If Known) |
| Debtor.                             |                                |

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled, "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

### TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

- ☐ **Extensions of credit in an involuntary case:** Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).
- ☐ **Wages, salaries, and commissions:** Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,650\* per person, earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).
- ☐ **Contributions to employee benefit plans:** Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).
- ☐ **Certain farmers and fishermen:** Claims of certain farmers and fishermen, up to \$4,650\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).
- ☐ **Deposits by individuals:** Claims of individuals up to \$2,100\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).
- ☐ **Alimony, Maintenance, or Support\*:** Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).
- ☒ **Taxes and certain other debts owed to governmental units:** Taxes, customs duties, and penalties owing to federal, state, and local government units as set forth in 11 U.S.C. § 507(a)(8).
- ☐ **Commitments to maintain the capital of an insured depository institution:** Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).





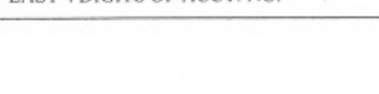

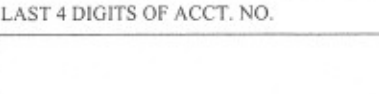

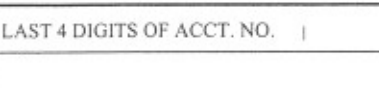
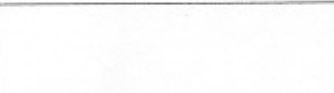
\* Amounts are subject to adjustment on April 1, 2004, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

|   |  |
|---|--|
| In re<br><div style="text-align: center; margin-top: 10px;">STEPHEN PETER SMITH</div> <div style="text-align: right; margin-top: 10px;">Debtor.</div> | Case Number:<br><div style="text-align: right; margin-top: 10px;">(If Known)</div> |
|---|--|

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

(Continuation Sheet)

TYPE OF PRIORITY

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE  | CODEBATOR | HUSBAND, WIFE, JOINT OR COMMUNITY | DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM                                | CONTINGENT | UNLIQUIDATED | DISPUTED | TOTAL AMOUNT OF CLAIM   | AMOUNT ENTITLED TO PRIORITY   |
|---|-----------|-----------------------------------|---|------------|--------------|----------|---|---|
| LAST 4 DIGITS OF ACCT. NO. 5363<br>Internal Revenue Service<br>Andover, MA 01810                                    |           |                                   | 2004 Income Tax   |            |              |          | 37,487.00   | 37,487.00   |
| LAST 4 DIGITS OF ACCT. NO. 5363<br> |           |                                   |    |            |              |          |  |  |
| LAST 4 DIGITS OF ACCT. NO.<br>    |           |                                   |  |            |              |          |   |   |
| LAST 4 DIGITS OF ACCT. NO.<br>    |           |                                   |  |            |              |          |   |   |
| LAST 4 DIGITS OF ACCT. NO.  <br>  |           |                                   |  |            |              |          |   |   |

Subtotal

\$ 37,487.00

(Total of this page)

Total

\$ 37,487.00

|   |  |
|---|--|
| In re<br><div style="text-align: center; margin-top: 10px;">STEPHEN PETER SMITH</div> | Case Number:<br><br><div style="text-align: right;">(If Known)</div> |
| Debtor.   |  |

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife Joint or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured non-priority claims to report on this Schedule F.

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE  | CODEBTOR | HUSBAND, WIFE, JOINT OR COMMUNITY | DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|---|----------|-----------------------------------|---|------------|--------------|----------|-----------------|
| LAST FOUR DIGITS OF ACCOUNT NO. 3415<br>AAA Financial Services<br>PO Box 15286<br>Wilmington, DE 19886-5286     |          |                                   | April 2005 - present<br>credit card<br>merchandise  |            |              |          | 14,856.65       |
| LAST FOUR DIGITS OF ACCOUNT NO. 4366<br>Bank of America<br>Visa Account<br>PO Box 1758<br>Newark, NJ 07101-1758 |          |                                   | December 2000 to present<br>credit card purchases   |            |              |          | 5,571.13        |
| LAST FOUR DIGITS OF ACCOUNT NO.<br>Brautigam & Brautigam LLP<br>32 White Street<br>Fredonia, NY 14063           |          |                                   | March 18, 2005<br><br>Legal services  |            |              |          | 885.25          |
| LAST FOUR DIGITS OF ACCOUNT NO. 2103<br>Capital One Bank<br>PO Box 790216<br>St. Louis, MO 63179-0216           |          |                                   | July 2004 - present<br>Master Card<br>merchandise   |            |              |          | 1,989.14        |
| <b>Subtotal</b>   |          |                                   |   |            |              |          | \$23,302.17     |
| <b>Total</b>  |          |                                   |   |            |              |          | \$              |
| (Report total also on Summary of Schedules)   |          |                                   |   |            |              |          |                 |

3 continuation sheets attached

|                                     |              |
|-------------------------------------|--------------|
| In re<br><b>STEPHEN PETER SMITH</b> | Case Number: |
| Debtor.                             | (If Known)   |

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE   | CODEBTOR<br>HUSBAND, WIFE, JOINT<br>OR COMMUNITY | DATE CLAIM WAS INCURRED, AND<br>CONSIDERATION FOR CLAIM,<br>IF CLAIM IS SUBJECT<br>TO SETOFF, SO STATE | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|--|--|--|------------|--------------|----------|-----------------|
| LAST FOUR DIGITS OF ACCOUNT NO. 5428<br>Chase<br>Cardmember Service<br>PO Box 15153<br>Wilmington, DE 19886-5153 |  | August 2004 - present<br>Universal Chase<br>credit card<br>merchandise                                 |            |              |          | 671.70          |
| LAST FOUR DIGITS OF ACCOUNT NO. 4762<br>CITIBANK<br>Box 6062<br>Sioux Falls, SD 57117                            |  | 1998 to present<br>Citi AAdvantage<br>Master Card<br>Merchandise                                       |            |              |          | 10,915.42       |
| LAST FOUR DIGITS OF ACCOUNT NO. 9123<br>Culligan Finance Co.<br>PO Box 64727<br>St. Paul, MN 55164-0727          |  | March 2005<br>Water purification<br>system   |            |              |          | 3,800.81        |
| LAST FOUR DIGITS OF ACCOUNT NO. 5337<br>GM Card Member Services<br>PO Box 37281<br>Baltimore, MD 21297-3281      |  | GM Gold Card<br>1995 to present<br>general merchandise   |            |              |          | 4,496.45        |
| LAST FOUR DIGITS OF ACCOUNT NO. 2605<br>GM Business Card<br>PO Box 15153<br>Wilmington, DE 19886-5153            |  | 2003 to present<br>credit card<br>office supplies<br>vacation  |            |              |          | 4,707.56        |

Subtotal

\$ 24,591.94

Sheet no. 1 of 3 sheets attached to  
Schedule of Creditors Holding Unsecured Nonpriority  
Claims

(Total of this page)

Total

(Use only on last page of the completed Schedule F)

\$

(Report total also on Summary of Schedules)



|                                  |              |
|----------------------------------|--------------|
| In re <b>STEPHEN PETER SMITH</b> | Case Number: |
| Debtor.                          | (If Known)   |

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE   | CODEBTOR<br>HUSBAND, WIFE, JOINT<br>OR COMMUNITY | DATE CLAIM WAS INCURRED, AND<br>CONSIDERATION FOR CLAIM,<br>IF CLAIM IS SUBJECT<br>TO SETOFF, SO STATE | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|--|--|--|------------|--------------|----------|-----------------|
| LAST FOUR DIGITS OF ACCOUNT NO. 687-9<br>JC Penney<br>PO Box 960001<br>Orlando, FL 32896-0001  |  | June 2005<br>Credit card<br>window treatments  |            |              |          | 1,000.00        |
| LAST FOUR DIGITS OF ACCOUNT NO. 0229<br>Lake Shore Savings & Loan<br>128 E. Fourth St.<br>Dunkirk, NY 14048                                      |  | April 1997<br>overdraft account for<br>checking account  |            |              |          | 1,902.60        |
| LAST FOUR DIGITS OF ACCOUNT NO.<br>The Medical Management Institute<br>11405 Old Roswell Road<br>Alpharetta, GA 30004                            |  | July 2004<br>Practice Evaluation<br>Services   |            |              |          | 5,121.51        |
| LAST FOUR DIGITS OF ACCOUNT NO. 6350<br>Nautilus, Inc.<br>Retail Services<br>PO Box 17602<br>Baltimore, MD 21297-1602                            |  | December 2004<br>Purchase of Bowflex<br>machine  |            |              |          | 1,300.57        |
| LAST FOUR DIGITS OF ACCOUNT NO. 0655<br>Wells Fargo Financial National<br>Bank<br>Raymour & Flanigan<br>PO Box 98796<br>Las Vegas, NV 89193-8796 |  | July 2005<br>Purchase of furniture   |            |              |          | 6,975.74        |

Subtotal

\$ 16,300.42

(Total of this page)

Total

\$

Sheet no. 2 of 3 sheets attached to  
Schedule of Creditors Holding Unsecured Nonpriority  
Claims

Case 1-05-18952-CLB, Doc 1, Filed 09/30/05, Entered 09/30/05 11:20:10,

Description: Main Document , Page 14 of 34

(Report total also on Summary of Schedules)

|                                     |                                |
|-------------------------------------|--------------------------------|
| In re<br><b>STEPHEN PETER SMITH</b> | Case Number:<br><br>(If Known) |
| Debtor.                             |                                |

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

| CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE  | CODEBTOR<br>HUSBAND, WIFE, JOINT<br>OR COMMUNITY | DATE CLAIM WAS INCURRED, AND<br>CONSIDERATION FOR CLAIM,<br>IF CLAIM IS SUBJECT<br>TO SETOFF, SO STATE | CONTINGENT | UNLIQUIDATED | DISPUTED | AMOUNT OF CLAIM |
|---|--|--|------------|--------------|----------|-----------------|
| LAST FOUR DIGITS OF ACCOUNT NO. 2639<br>Wells Fargo Financial<br>3735 Union Road, STE 740<br>Cheektowaga, NY 14225                            |  | July 2005<br>Mail Loan   |            |              |          | 1,368.00        |
| LAST FOUR DIGITS OF ACCOUNT NO. 4146<br>DFT Security Services, Inc.<br>40 Temple Street, PO Box 209<br>Fredonia, NY 14063-0209                |  | May 2003<br>Home Security System   |            |              |          | 366.35          |
| LAST FOUR DIGITS OF ACCOUNT NO. 3185<br>De Lage Landen Financial Services<br>PO Box 41601<br>Philadelphia, PA 19101-1601                      |  | Lease of office copier,<br>fax, printer machine  |            |              |          | 299.66          |
| LAST FOUR DIGITS OF ACCOUNT NO. 3185<br>De Lage Landen Financial Services<br>Account Services<br>1111 Old Eagle School Rd.<br>Wayne, PA 19087 |  |  |            |              |          |                 |
| LAST FOUR DIGITS OF ACCOUNT NO.<br><br>   |  |  |            |              |          |                 |

Subtotal

\$ 2,034.01

(Total of this page)  
Total

\$ 66,228.54

Sheet no. 3 of 3 sheets attached to  
Schedule of Creditors Holding Unsecured Nonpriority  
Claims

Case 1-05-18952-CLB, Doc 1, Filed 09/30/05, Entered 09/30/05 11:20:10,

Description: Main Document , Page 15 of 34

(Report total also on Summary of Schedules)

In re

STEPHEN PETER SMITH

Debtor.

Case Number:

(If Known)

**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests.

State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease.

Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☒ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE,  
OF OTHER PARTIES TO LEASE OR CONTRACT

DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF  
DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR  
NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT  
NUMBER OF ANY GOVERNMENT CONTRACT

DFT Security Services, Inc.  
40 Temple Street, PO Box 209  
Fredonia, NY 14063-0209

Home Security System

Residential Real Property

De Lage Landen Financial Services  
PO Box 41601  
Philadelphia, PA 19101-1601

Lease of office copier, fax, printer  
machine

Ashcroft Management Co.

Residential lease--apartment at:  
G-4 Birchwood Drive  
Fredonia, New YORK

Utica, NY

One Year

|                                  |         |                                |
|----------------------------------|---------|--------------------------------|
| In re<br><br>STEPHEN PETER SMITH | Debtor. | Case Number:<br><br>(If Known) |
|----------------------------------|---------|--------------------------------|

## SCHEDULE H - CODEBTORS

Provide the information required concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the non-debtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

☐ Check this box if debtor has no codebtors.

| NAME AND ADDRESS OF CODEBTOR  | NAME AND ADDRESS OF CREDITOR   |
|---|--|
| ANGELINE M. SMITH<br>11474 First Street, PO Box 151<br>Dayton, NY 14041 | M & T MORTGAGE CORP.<br>PO Box 62182<br>Baltimore, MD 21264-2182                         |
| ANGELINE M. SMITH<br>11474 First Street, PO Box 151<br>Dayton, NY 14041 | CHRYSLER FINANCIAL CORP.<br>PO Box 1728<br>Newark, NJ 07101-1728                         |
| ANGELINE M. SMITH<br>11474 First Street, PO Box 151<br>Dayton, NY 14041 | D & F Security Services, Inc.<br>40 Temple Street, PO Box 209<br>Fredonia, NY 14063-0209 |

|   |  |
|---|--|
| In re<br><div style="text-align: center; font-weight: bold; margin-top: 5px;">STEPHEN PETER SMITH</div> | Case Number:<br><br><div style="text-align: right; font-size: small;">(If Known)</div> |
| Debtor.   |  |

## SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

| Debtor's Marital Status: | DEPENDENTS OF DEBTOR AND SPOUSE     |           |  |
|--------------------------|-------------------------------------|-----------|--|
| Separated                | RELATIONSHIP                        | AGE       |  |
|                          | ALEX SMITH (SON)                    | 13        |  |
|                          | EMPLOYMENT:                         |           |  |
|                          | DEBTOR                              | SPOUSE    |  |
| Occupation               | Physician                           | Separated |  |
| Name of Employer         | Self-Employed                       |           |  |
| How Long Employed        | 25 Years                            |           |  |
| Address of Employer      | 268 W. Main St., Fredonia, NY 14063 |           |  |

|   | DEBTOR                                | SPOUSE |
|---|---------------------------------------|--------|
| <b>Income:</b> (Estimate of average monthly income)   |                                       |        |
| Current monthly gross wages, salary, and commissions<br>(pro rate if not paid monthly.)                                 | \$ 13,722.00                          | \$     |
| Estimated monthly overtime  | \$                                    | \$     |
| <b>SUBTOTAL</b>   | \$                                    | \$     |
| Less Payroll Deductions   |                                       |        |
| a. Payroll taxes and social security  | \$                                    | \$     |
| b. Insurance  | \$                                    | \$     |
| c. Union dues   | \$                                    | \$     |
| d. Other (specify) <u>State &amp; Federal Income Taxes</u>  | \$ 4,851.00                           | \$     |
| <b>SUBTOTAL OF PAYROLL DEDUCTIONS</b>   | \$ 4,851.00                           | \$     |
| <b>TOTAL NET MONTHLY TAKE HOME PAY</b>  | \$ 8,871.00                           | \$     |
| Regular income from operation of business or profession or farm (attach detailed statement)                             | \$                                    | \$     |
| Income from real property   | \$                                    | \$     |
| Interest from real property   | \$                                    | \$     |
| Interest and dividends  | \$                                    | \$     |
| Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above. | \$                                    | \$     |
| Social security or other government assistance<br>(Specify) _____   | \$                                    | \$     |
| Pension or retirement income  | \$                                    | \$     |
| Other monthly income<br>(Specify) _____   | \$                                    | \$     |
| <b>TOTAL MONTHLY INCOME</b>   | \$ 8,871.00                           | \$ --  |
| <b>TOTAL COMBINED MONTHLY INCOME</b> \$ --  | (Report also on Summary of Schedules) |        |

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document



|  |  |
|--|--|
| In re<br><div style="text-align: center; margin-top: 10px;"><b>STEPHEN PETER SMITH</b></div> | Case Number:<br><br><div style="text-align: right; margin-top: 10px;">(If Known)</div> |
|--|--|

## SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

|  |                     |
|--|---------------------|
| Rent or home mortgage payment (include lot rented for mobile home)                                 | \$ <u>3,764.00</u>  |
| Are real estate taxes included? Yes <u>X</u> No _____  |                     |
| Is property insurance included? Yes <u>X</u> No _____  |                     |
| Utilities Electricity and heating fuel   | \$ <u>555.00</u>    |
| Water and sewer  | \$ _____            |
| Telephone  | \$ _____            |
| Other _____  | \$ _____            |
| Home Maintenance (Repairs and Upkeep)  | \$ <u>440.00</u>    |
| Food   | \$ <u>574.00</u>    |
| Clothing   | \$ <u>120.00</u>    |
| Laundry and dry cleaning   | \$ <u>60.00</u>     |
| Medical and dental expenses  | \$ <u>350.00</u>    |
| Transportation (not including car payments)  | \$ <u>184.00</u>    |
| Recreation, clubs and entertainment, newspapers, magazines, etc.                                   | \$ <u>685.00</u>    |
| Charitable contributions   | \$ <u>720.00</u>    |
| Insurance (not deducted from wages or included in home mortgage payments)                          | \$ _____            |
| Homeowner's or renter's  | \$ _____            |
| Life   | \$ <u>483.00</u>    |
| Health   | \$ <u>990.00</u>    |
| Auto   | \$ <u>167.00</u>    |
| Other <u>Theft &amp; Liability</u>   | \$ <u>272.00</u>    |
| Taxes (not deducted from wages or included in home mortgage payments)                              | \$ _____            |
| (Specify) _____  | \$ _____            |
| Installment payments (In chapter 12 and 13 cases, do not list payments to be included in the plan) | \$ _____            |
| Auto   | \$ _____            |
| Other _____  | \$ _____            |
| Other _____  | \$ _____            |
| Alimony, maintenance, and support paid to others   | \$ <u>2,725.00</u>  |
| Payments for support of additional dependents not living at your home                              | \$ _____            |
| Regular expenses from operation of business, profession, or farm (attach detailed statement)       | \$ _____            |
| Other <u>Income shown on Schedule I is adjusted gross after</u>                                    | \$ _____            |
| <u>business expenses</u>   | \$ _____            |
| <b>TOTAL MONTHLY EXPENSES</b> (Report also on Summary of Schedules)                                | \$ <u>12,084.00</u> |

### [FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

|   |          |
|---|----------|
| A. Total projected monthly income               | \$ _____ |
| B. Total projected monthly expenses             | \$ _____ |
| C. Excess income (A minus B)                    | \$ _____ |
| D. Total amount to be paid into plan each _____ | \$ _____ |
| (interval)                                      |          |

|                                  |         |                                |
|----------------------------------|---------|--------------------------------|
| In re<br><br>STEPHEN PETER SMITH | Debtor. | Case Number:<br><br>(If Known) |
|----------------------------------|---------|--------------------------------|

## DECLARATION CONCERNING DEBTOR'S SCHEDULES

## DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 17 sheets, and that they are correct to the best of my knowledge, information, and belief.

(Total shown on summary  
page plus 1)

Date September 28 2005

Signature

Stephen Peter Smith  
Debtor

Date \_\_\_\_\_

Signature \_\_\_\_\_

(Joint Debtor, if any)

[If joint case, both spouses must sign]

CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER  
(See 11 U.S.C. § 110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110(c).)

Address

Name and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

**A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.**

## DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the \_\_\_\_\_ [the president or other officer or an authorized agent of the corporation or member or an authorized agent of the partnership] of the \_\_\_\_\_ [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date \_\_\_\_\_

Signature \_\_\_\_\_

[Print or type name of individual signing on behalf of debtor]

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

**Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.**

**FORM 7. STATEMENT OF FINANCIAL AFFAIRS**  
**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF WESTERN NEW YORK**

In re: STEPHEN PETER SMITH,  
(Name) Debtor

Case No. \_\_\_\_\_  
(if known)

**STATEMENT OF FINANCIAL AFFAIRS**

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

*DEFINITIONS*

*"In business."* A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

*"Insider."* The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

**1. Income from employment or operation of business**

None  
☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT  
\$164,644.00

SOURCE (if more than one)  
Medical Practice

## 2. Income other than from employment or operation of business

None  
☒

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE

## 3. Payments to creditors

None  
☐

- a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF CREDITOR                  | DATES OF PAYMENTS | AMOUNT PAID | AMOUNT STILL OWING |
|---|-------------------|-------------|--------------------|
| NYS Dept. of Taxation & Finance<br>Albany, NY | 9/21/05           | \$3,293.00  | -0-                |
| Payments monthly as incurred                  |                   |             |                    |

None  
☒

- b. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF CREDITOR<br>AND RELATIONSHIP TO DEBTOR | DATE OF PAYMENT | AMOUNT PAID | AMOUNT STILL OWING |
|--|-----------------|-------------|--------------------|
|--|-----------------|-------------|--------------------|

## 4. Suits and administrative proceedings, executions, garnishments and attachments

None  
☒

- a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| CAPTION OF SUIT<br>AND CASE NUMBER | NATURE OF PROCEEDING | COURT OR AGENCY<br>AND LOCATION | STATUS OR<br>DISPOSITION |
|------------------------------------|----------------------|---------------------------------|--------------------------|
|------------------------------------|----------------------|---------------------------------|--------------------------|

None  
☒

- b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF PERSON FOR WHOSE  
BENEFIT PROPERTY WAS SEIZED

DATE OF  
SEIZURE

DESCRIPTION  
AND VALUE OF  
PROPERTY

#### 5. Repossessions, foreclosures and returns

None  
☒

- List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF CREDITOR OR SELLER

DATE OF REPOSSESSION,  
FORECLOSURE SALE,  
TRANSFER OR RETURN

DESCRIPTION  
AND VALUE OF  
PROPERTY

#### 6. Assignments and receiverships

None  
☒

- a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF ASSIGNEE

DATE OF  
ASSIGNMENT

TERMS OF  
ASSIGNMENT  
OR SETTLEMENT

None  
☒

- b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS  
OF CUSTODIAN

NAME AND LOCATION  
OF COURT  
CASE TITLE & NUMBER

DATE OF  
ORDER

DESCRIPTION  
AND VALUE OF  
PROPERTY



## 7. Gifts

None  
☒

List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS<br>OF PERSON<br>OR ORGANIZATION | RELATIONSHIP<br>TO DEBTOR,<br>IF ANY | DATE<br>OF GIFT | DESCRIPTION<br>AND VALUE<br>OF GIFT |
|--|--------------------------------------|-----------------|-------------------------------------|
|--|--------------------------------------|-----------------|-------------------------------------|

## 8. Losses

None  
☒

List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case**. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| DESCRIPTION<br>AND VALUE OF<br>PROPERTY | DESCRIPTION OF CIRCUMSTANCES AND, IF<br>LOSS WAS COVERED IN WHOLE OR IN PART<br>BY INSURANCE, GIVE PARTICULARS | DATE OF<br>LOSS |
|---|--|-----------------|
|---|--|-----------------|

## 9. Payments related to debt counseling or bankruptcy

None  
☐

List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within **one year** immediately preceding the commencement of this case.

| NAME AND ADDRESS<br>OF PAYEE  | DATE OF PAYMENT,<br>NAME OF PAYOR IF<br>OTHER THAN DEBTOR | AMOUNT OF MONEY OR<br>DESCRIPTION AND VALUE<br>OF PROPERTY |
|---|---|--|
| FOLEY, FOLEY & PASSAFARO<br>93 East Fourth Street, PO Box 50<br>Dunkirk, NY 14048 | September 7, 2005   | \$700.00   |

## 10. Other transfers

None  
☐

List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF TRANSFEREE,<br>RELATIONSHIP TO DEBTOR                            | DATE               | DESCRIBE PROPERTY<br>TRANSFERRED<br>AND VALUE RECEIVED |
|--|--------------------|--|
| (No Relationship)<br>Waldo Latimer<br>289 Central Ave., Apt. C<br>Fredonia, NY 14063 | September 21, 2005 | \$500.00 -- refrigerator                               |

|   |                    |                                 |
|---|--------------------|---------------------------------|
| Monte's Small Engine Repair<br>3405 S. Roberts Road<br>Fredonia, NY 14063 | September 24, 2005 | \$1,000.00 -- ride around mower |
|---|--------------------|---------------------------------|

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**11. Closed financial accounts**None  
☒

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS<br>OF INSTITUTION   | TYPE OF ACCOUNT, LAST FOUR<br>DIGITS OF ACCOUNT NUMBER<br>AND AMOUNT OF FINAL BALANCE | AMOUNT AND<br>DATE OF SALE<br>OR CLOSING |
|--|---|--|
| LAKE SHORE SAVINGS & LOAN ASSN.<br>128 EAST FOURTH STREET<br>DUNKIRK, NY 14048 | Checking Acct. 6829   | May 15, 2004<br>.05 cents                |

**12. Safe deposit boxes**None  
☒

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS<br>OF BANK OR<br>OTHER DEPOSITORY | NAMES AND ADDRESSES<br>OF THOSE WITH ACCESS<br>TO BOX OR DEPOSITORY | DESCRIPTION<br>OF<br>CONTENTS | DATE OF TRANSFER<br>OR SURRENDER,<br>IF ANY |
|--|---|-------------------------------|---|
|--|---|-------------------------------|---|

**13. Setoffs**None  
☒

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

| NAME AND ADDRESS OF CREDITOR | DATE OF<br>SETOFF | AMOUNT OF<br>SETOFF |
|------------------------------|-------------------|---------------------|
|------------------------------|-------------------|---------------------|

**14. Property held for another person**None  
☐

List all property owned by another person that the debtor holds or controls.

| NAME AND ADDRESS<br>OF OWNER | DESCRIPTION AND VALUE<br>OF PROPERTY                     | LOCATION OF PROPERTY                     |
|------------------------------|--|--|
| Alex Smith                   | Two guns   | Stone Quarry Road<br>Fredonia, NY 14063  |
| Alex Smith                   | Savings Account<br>No. 4355<br>Lake Shore Savings & Loan | 128 E Fourth Street<br>Dunkirk, NY 14048 |

**15. Prior Address of Debtor**None  
☐

If the debtor has moved within the **two years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

| ADDRESS                                | NAME USED           | DATES OF OCCUPANCY   |
|--|---------------------|----------------------|
| 11474 First Street<br>Dayton, NY 14041 | Stephen Peter Smith | 2000 - February 2004 |

**16. Spouses and Former Spouses**None  
☒

If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **six-year period** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

**17. Environmental Information.**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None  
☒

- a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

| SITE NAME<br>AND ADDRESS | NAME AND ADDRESS<br>OF GOVERNMENTAL UNIT | DATE OF<br>NOTICE | ENVIRONMENTAL<br>LAW |
|--------------------------|--|-------------------|----------------------|
|--------------------------|--|-------------------|----------------------|

None  
☒

- b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

| SITE NAME<br>AND ADDRESS | NAME AND ADDRESS<br>OF GOVERNMENTAL UNIT | DATE OF<br>NOTICE | ENVIRONMENTAL<br>LAW |
|--------------------------|--|-------------------|----------------------|
|--------------------------|--|-------------------|----------------------|

None

☐

- c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS  
OF GOVERNMENTAL UNIT

DOCKET NUMBER

STATUS OR  
DISPOSITION

**18. Nature, location and name of business**

None

☐

- a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the **six years** immediately preceding the commencement of this case.

| NAME             | LAST FOUR DIGITS OF<br>TAXPAYER I.D. NUMBER | ADDRESS                                  | NATURE OF BUSINESS  | BEGINNING AND ENDING<br>DATES |
|------------------|---|--|---------------------|-------------------------------|
| Stephen P. Smith | 5363  | 268 W. Main St.<br>Fredonia, NY<br>14063 | Medical<br>Practice | January 1995 to present       |

None

☐

- b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME

ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within the **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or otherwise self-employed.

*(An individual or joint debtor should complete this portion of the statement only if the debtor is or has been in business, as defined above, within the six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

**19. Books, records and financial statements**None  
☒

- a. List all bookkeepers and accountants who within the **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS

DATES SERVICES RENDERED

None  
☒

- b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME

ADDRESS

DATES SERVICES RENDERED

None  
☒

- c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME

ADDRESS

None  
☒

- d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the **two years** immediately preceding the commencement of this case by the debtor.

NAME AND ADDRESS

DATE ISSUED

**20. Inventories**None  
☒

- a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY

INVENTORY SUPERVISOR

DOLLAR AMOUNT OF INVENTORY  
(Specify cost, market or other basis)None  
☒

- b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY

NAME AND ADDRESSES OF CUSTODIAN  
OF INVENTORY RECORDS

**21 . Current Partners, Officers, Directors and Shareholders**None  
☒

- a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

| NAME AND ADDRESS | NATURE OF INTEREST | PERCENTAGE OF INTEREST |
|------------------|--------------------|------------------------|
|------------------|--------------------|------------------------|

None  
☒

- b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

| NAME AND ADDRESS | TITLE | NATURE AND PERCENTAGE OF STOCK OWNERSHIP |
|------------------|-------|--|
|------------------|-------|--|

**22 . Former partners, officers, directors and shareholders**None  
☒

- a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

| NAME | ADDRESS | DATE OF WITHDRAWAL |
|------|---------|--------------------|
|------|---------|--------------------|

None  
☒

- b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

| NAME AND ADDRESS | TITLE | DATE OF TERMINATION |
|------------------|-------|---------------------|
|------------------|-------|---------------------|

**23 . Withdrawals from a partnership or distributions by a corporation**None  
☒

If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

| NAME & ADDRESS<br>OF RECIPIENT,<br>RELATIONSHIP TO DEBTOR | DATE AND PURPOSE<br>OF WITHDRAWAL | AMOUNT OF MONEY<br>OR DESCRIPTION<br>AND VALUE OF PROPERTY |
|---|-----------------------------------|--|
|---|-----------------------------------|--|



**24. Tax Consolidation Group.**None  
☒

If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION      LAST FOUR DIGITS OF TAXPAYER IDENTIFICATION NUMBER

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**25. Pension Funds.**None  
☒

If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within the **six-year period** immediately preceding the commencement of the case.

NAME OF PENSION FUND      LAST FOUR DIGITS OF TAXPAYER IDENTIFICATION NUMBER

---

\* \* \* \* \*

*[If completed by an individual or individual and spouse]*

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date September 28 2005

Signature  
of Debtor

*Stephen Peter Finito*

Date \_\_\_\_\_

Signature  
of Joint Debtor  
(if any)

*[If completed on behalf of a partnership or corporation]*

I, declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct to the best of my knowledge, information and belief.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Print Name and Title

[An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.]

\_\_\_\_\_ continuation sheets attached

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. § 152 and 3571*

**CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer \_\_\_\_\_

Social Security No. (Required by 11 U.S.C. § 110(c).) \_\_\_\_\_

Address \_\_\_\_\_

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

X \_\_\_\_\_

Signature of Bankruptcy Petition Preparer

\_\_\_\_\_ Date

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 18 U.S.C. § 156.*

# United States Bankruptcy Court

Western District Of New York

In re STEPHEN PETER SMITH

Case No. \_\_\_\_\_

Debtor Chapter 7

## DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept ..... \$ 700.00  
Prior to the filing of this statement I have received ..... \$ 700.00  
Balance Due ..... \$ - 0 -

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

☐ Debtor ☐ Other (specify)

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR (Continued)

d. ~~Representation of the debtor in adversary proceedings and other contested bankruptcy matters.~~XX


e. [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceedings.

September 28 2005  
Date

  
Signature of Attorney

FOLEY, FOLEY & PASSAFARO  
Name of law firm

# United States Bankruptcy Court District of Western New York

In re **STEPHEN PETER SMITH**

Case No.

Debtor

## CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

1. I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
2. I intend to do the following with respect to the property of the estate which secures those consumer debts:

a. *Property to Be Surrendered.***Description of Property****Creditor's name**

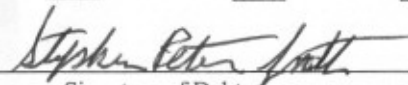
2001 Chrysler Concorde Automobile

Chrysler Financial Corp.

b. *Property to Be Retained*

[Check any applicable statement.]

| Description of Property                      | Creditor's Name      | Property is claimed as exempt | Property will be redeemed pursuant to 11 U.S.C. § 722 | Debt will be Reaffirmed Pursuant to 11 U.S.C. § 524(c) |
|--|----------------------|-------------------------------|---|--|
| 3478 Stone Quarry Road<br>Fredonia, NY 14063 | M & T Mortgage Corp. | <input type="checkbox"/>      | <input type="checkbox"/>                              | <input checked="" type="checkbox"/>                    |
|  |                      | <input type="checkbox"/>      | <input type="checkbox"/>                              | <input type="checkbox"/>                               |
|  |                      | <input type="checkbox"/>      | <input type="checkbox"/>                              | <input type="checkbox"/>                               |

Date: September 28 2005
  
 Signature of Debtor

### CERTIFICATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document.

If more than one person prepared this document, attach additional sheets conforming to the appropriate Official form for each person.

**X**

Signature of Bankruptcy Petition Preparer

Date

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.*